

UNITED STATES OF AMERICA,
Plaintiff,
v.
ARLENE F. DIAMOND,
Defendant.

Case No. 14-cr-00483-BLF-1

**ORDER DENYING NOTICE
SUMMARY JUDGMENT FOR LACK
OF JURISDICTION AND STRIKING
PORTION THEREOF**

[Re: ECF 15]

The only operative motion recently before the Court was to terminate defendant Arlene Diamond's supervised release several months early. *See* ECF 3. The Court considered Diamond's motion, the Government's opposition, and the Probation Office's memorandum, and denied Diamond's request. ECF 11. Presently before the Court is a document denominated "Notice Summary Judgment for Lack of Jurisdiction as Void in Law and Void in Judgement [sic]." ECF 15. This document, however, cannot be construed as a motion for summary judgment as there are no claims pending before the Court.

To the extent Diamond intended this document to be a motion for leave to file a motion for reconsideration pursuant to Civil Local Rule 7-9, she has not satisfied the standard. *See Civ. L.R. 7-9(b)* (a motion for reconsideration may be made on three grounds: (1) a material difference in fact or law exists from that which was presented to the court, which, in the exercise of reasonable diligence, the moving party did not know at the time of the order for which reconsideration is sought; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the court to consider material facts or dispositive legal arguments).

Finally, Diamond also states that because the Government has not rebutted any of her thirty-three statements enumerated in her “Administrative Notice / Affidavit of Truth,” those

1 statements become “inconvertible proof and evidence that [the Government has] agreed with
2 Affiant and DEFENDANT that no verifiable Jurisdiction exists.” ECF 15, at 6. Because this
3 assertion has no basis in law, the Court STRIKES it. It shall have no force or effect. That the
4 Government has not responded to Diamond’s thirty-three statements has no effect on this Court’s
5 rulings, as there is no authority to support Diamond’s suggestion that the Government’s lack of
6 engagement with her claims makes them true.

7 **IT IS SO ORDERED.**

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9 Dated: May 8, 2017

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11 BETH LABSON FREEMAN
United States District Judge

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